

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENWOOD DIVISION

|   |   |                           |
|---|---|---------------------------|
| Robert Peoples, #270600,                  | ) | C/A NO. 8:07-2897-CMC-BHH |
|   | ) |                           |
| Plaintiff,                                | ) |                           |
|   | ) | <b>ORDER</b>              |
| v.  | ) |                           |
|   | ) |                           |
| SCDC; Warden Anthony Padula; Lee          | ) |                           |
| Correctional Institution; Lt. Clarence    | ) |                           |
| Rogers, Lee CI; Lt. Matthew Williams, Lee | ) |                           |
| CI; Nurse Cheryl Owens, Lee CI;           | ) |                           |
| Sgt. Belinda Davis, Lee CI; Sgt. Vivian   | ) |                           |
| McCall, Lee CI; and IGC Ms. Driggers,     | ) |                           |
| all in their individual capacities,       | ) |                           |
|   | ) |                           |
| Defendants.                               | ) |                           |
| _____                                     | ) |                           |

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation ("Report"). On July 11, 2008, the Magistrate Judge issued a Report recommending that Plaintiff's motion for partial summary judgment be denied. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed an objection to the Report on July 17, 2008.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objection, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff's motion for partial summary judgment is **denied**.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
September 9, 2008

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